

# Massachusetts OHV Advisory Committee

## Meeting Minutes DRAFT

<b>Meeting name</b>	OHV Advisory Committee Meeting (16)		
<b>Date</b>	6-11-14	<b>Time</b>	11:00 AM – 3:00 PM
<b>Location</b>	Purgatory Chasm State Park Sutton, MA	<b>Meeting hosts</b>	Stephanie Cooper (EEA) Celia Riechel (EEA)
<b>Committee members present</b>			
Randy Toth (Snowmobile Association of MA)	Jim Sherman (MA Motorcycle Assoc; Hoot Owl Scramblers)	Capt. Merri Walker (MEP)	Mike Toomey (MA Forest & Parks Friends Network)
Chris Mossman (MA Forest Landowners Association)	Janet Morrison (North County Land Trust)		
<b>State staff</b>			
Courtney Livingston (MEP)	Gary Briere (DCR)	Maj. William Gray (MEP)	Stephanie Cooper (EEA)
Celia Riechel (EEA)	Alexandra Echandi (DCR)		
<b>Guests/visitors</b>			
Larry Tucker (Snowmobile Association of MA)	Terry Sinclair (ATV Maine)		
<b>Committee members absent</b>			
Colleen McGuire (DPH)	Katie Kearney (Child Safety Advocate)	Chief Ernest Horn (Mendon Police)	Dan D'Arcy (Power Sport Dealers Association)
Tad Ames (Berkshire Natural Resources Council)	VACANT – rep. of OHV users	VACANT – rep. of OHV users	

<b>Synopsis of items discussed</b>
<p><b>1. Welcome, general updates.</b></p> <p>Gary Briere will soon be retiring; his replacement has not yet been selected. Gary, Stephanie Cooper, and Merri Walker recently presented to the DCR Stewardship Committee on OHVs and the progress made since the legislation. That presentation should be available on the DCR Stewardship Committee page soon.</p> <p>Other transitions at EEA include the departure of Colonel Gross from the Environmental Police, and appointment of Martin Suuberg to fill the position of Undersecretary for the Environment vacated by Maeve Vallely Bartlett's appointment to be Secretary at EEA.</p> <p><b>2. DCR update.</b></p> <p>Alexandra Echandi will be key to assessing DCR trail systems.</p>

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Southeast: Staff was added in the southeast, funded through the OHV Fund, in order to address rampant illegal riding and to reach out to riders, try to start building some rapport with riders in Freetown State Forest, which should lead to greater adherence to rules and less riding off designated trails. The overall condition of the trails is poor. The DCR Stewardship Council has been hearing a lot about the damage caused by illegal vehicles and riding off trails. The worst damage is caused by jeeps and 4WD vehicles, which are not permitted anywhere. Town roads passing through state parks and forests provide easy access points. There has also been a lot of damage caused by dirt bikes going up and down hills in a specific and sensitive habitat area.

Members discuss the relative value of ambassador/outreach-type actions vs. enforcement actions that issue more citations and tow vehicles.

Scott Morrill's report on the permit process in the western part of the state: permit process established in part to have a means to control the number of users, but the daily user cap has never been hit. Most people who trailer their OHVs in to the park get a permit. People without permits are typically local kids riding from home. Scott and his rangers have developed a generally good rapport with riders, which makes law enforcement less necessary. DCR may consider establishing a similar permit process in Freetown SF to try to get a better handle on the situation.

Otter River/Lake Denison: used to be something of an illegal OHV free-for-all, but after the road closure, there is less OHV traffic. MEP has done some effective outreach to the local police, who have helped to close off known access points, remove vehicles. MEP officers have engaged riders on some of the social media networks where people were sharing information about where to ride that included areas where OHVs are prohibited. Guardrails were put up on Route 2 where OHVs were dangerously crossing to gain access to state land.

Riders want more legal riding opportunities in Massachusetts. DCR understands the difficulty organizations like NETRA have to keep their members in line, when they don't have anything to offer them. Power lines and gas lines are not legal or appropriate locations for riding, and often the companies don't actually own the property, it's just a utility easement. After some challenges, DCR is finally making progress in improving the trails in Pittsfield SF. The crossing at Lulu Brook is fixed, other parts will be fixed this coming spring. Scott Morrill has been key to the improvements.

Volunteer policy: DCR is trying to create a framework for communication and coordination with volunteers and organizations. The updated version of the policy was released in April; still a work in progress. Send proposals to Ally. The volunteer policy doesn't require that you be a member of a 501(c)(3) organization; informal groups can do volunteer work, they just need to provide a written description of what will be done, and sign an agreement. Process is not onerous.

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**3. Compliance, ridership, and enforcement update (MEP)**

Refer to law enforcement update.

Citations statistics include only those issued by the Environmental Police. Municipal police departments do not report information to MEP. There are often multiple reasons ("arrest description") for a stop, and many citations are for multiple violations. Usually juveniles do not get arrested; category 90B section 21 citations are issued to parents. Officers do not allow unregistered, unhelmeted, or trespassing riders to ride away after a stop—they require the person to stop operation or become compliant. Many are able to call parents or friends to get the vehicle removed. Vehicles are rarely towed, especially with juvenile riders because they can't just be released to the custody of a tow truck driver. People don't really claim the agriculture or forestry exemption as an excuse. People who use OHVs for handicapped mobility still need to have the vehicle registered, and those people are generally known, have letters from agencies.

The reported accidents is likely low, because it is only those to which MEP responded. MEP does fully investigate all fatalities, but not all result in a criminal citation. Alcohol, excessive speed for the conditions, operating on a public way are all frequently involved. All age groups violate the rules, not just kids.

**4. Regulations revision (MEP)**

MEP has been working on the regulations revision in an iterative way for several years, with new pieces (clarification and expansion of the law, breakdown by categories, etc) and comments from use groups addressed. Exemptions for out-of-state riders at sanctioned events have been added, but there are still some problems to work out, such as not knowing who will show up until the day of the event.

Discussion on the definition of "sanctioned events." Could the plan contents section be included in the definition? Local authorities need guidance in determining whether to sanction an event—a best practices guide?

3.03(1)(b)(i): How do you determine whether someone is legitimately training for a sanctioned event? Registration information as proof wouldn't necessarily be obtainable, since many don't preregister. What does "reasonable" mean? What does "directly supervised" mean?

3.03(2)(c) snowmobiles may go on unplowed roads – western Mass. towns don't maintain some roads, but they don't officially close them. Conflicts with 90B? Just because a town puts a gate across a road doesn't mean it's decommissioned—they have to vote on it.

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3.04(1) can the officer tow a trespassing OHV at the landowner's request? How are they addressing riding on private property?

Point-of-sale registration: MEP has informed all authorized dealers that they are required to notify MEP of every sale, and given them outreach materials. There has been POS registration for boats for the past six years, and that has had a lot of trouble. The current system used for both boating and OHVs is outdated and ineffective, and doesn't have the capacity to handle POS registration. MEP is looking into replace it, or possibly coordinating with the RMV, which is currently going through its own system revision.

**5. Education and outreach update (MEP)**

Online and overall course completion has much increased this year. MEP is getting better at finding the right location for classes, like Foxborough. MEP had two events at Plymouth, with an officer and an ATV. The officer talked to a lot of kids, etc., and then a class was held the following weekend, which 14 kids attended—the most of any class. MEP polled the students, asking them what they wanted from trails, and what type of OHV they ride.

Summary of the movie trailer/You Tube project: MEP contracted with a media company to develop a short film clip that targets specific user groups and will appear in their YouTube "recommended" videos for kids and parents demographics. The clip will be played at select regional theaters for two weeks. There are some logistics improvements that need to be made first, like updating the website, making an easy URL, and scheduling more upcoming classes.

Discussion of other outreach possibilities: Could a private company like Bass Pro Shops help underwrite the production of an outreach video? Film should be run on public access channels. Look at the Alliance for Community Media.

**6. OHV Fund update**

The trail-dedicated portion of the fund is \$625,000. The full update is not ready for discussion. It will be sent by email to the committee later.

**Next steps/action items**

1. Post DCR Stewardship Committee presentation (DCR)
2. Develop best-practices guide for municipalities to use in determining whether to

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sanction an event (MEP)

3. Continue work on outreach materials for movie theaters and consider using on local cable access stations (MEP)

From previous meeting:

4. Can MA do point-of-sale registration for OHVs?
5. Could small amount of funding be offered to fund volunteer OHV education/outreach presence at local community events or schools?
6. OHV riding permits by smartphone? (DCR)
7. Request JD Power data on OHV registration for other states (Dan D'Arcy)
8. Trail opportunities grant program (EEA)
9. Regulations revision (MEP)

**Next meeting**

Wednesday, September 17, 11:00am – 3:00pm

Location: Dunn State Park, Gardner, MA